



UNITED STATES PATENT AND TRADEMARK OFFICE

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|------------------------|---------------|
| APPLICATION NUMBER | 09/877,406 |
| FILING/RECEIPT DATE | 06/08/2001 |
| FIRST NAMED APPLICANT | Jo Handelsman |
| ATTORNEY DOCKET NUMBER | AVI-001.03 |

WASHINGTON, D.C. 20531
www.uspto.gov

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE

CONFIRMATION NO. 8083

FORMALITIES LETTER



0C000000006207950

Date Mailed: 06/21/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

710.00 GP
560.00 GP
560.00 GP
270.00 GP
130.00 GP

01 FC:101
02 FC:102
03 FC:103
04 FC:104
05 FC:105

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
- Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1640. Reg. Ref: 10/18/2001 SPUHS 0011070000 Date/Hdbr: 09/877406 FCI: 704
- \$810 for 45 total claims over 20.
- \$560 for 7 independent claims over 3.
- \$270 for multiple dependent claim surcharge.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2480.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment.

- Substitute drawings in compliance with 37 CFR 1.84 because:

■ Drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch).

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--|---------------------------------|
| In re the application of: Handelsman et al. | Examiner: None assigned |
| Serial No.: 09/877,406 | Group Art Unit: 1636 |
| Filed: June 8, 2001 | |
| For: <i>Microorganism Genomics, Compositions and Methods Related Thereto</i> | Attorney Docket No.: AVI-001.03 |

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

| | |
|--|-----------------------------|
| Certificate of First Class Mailing | |
| I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date set forth below. | |
| <u>September 21, 2001</u> | By: <u>Michael R. Phila</u> |
| Date of Signature and Mail Deposit | |

RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir:

Enclosed herewith is a response to the Notice to File Missing Parts dated June 21, 2001. In response to the Notice, enclosed is a check in the amount of \$2,570.00 (which includes a large entity filing fee of \$710.00, a surcharge of \$130.00, a total claims surcharge of \$900.00, an independent claims surcharge of \$560.00, and a multiple dependent claim surcharge of \$270.00). This response also includes the requested substitute drawings.

As the Response to the Notice to File Missing Parts was due on August 21, 2001, the Applicant encloses herewith a Petition for One-Month Extension of Time and required extension fee. If there is any further fee due in connection with this filing, or if any refund is owed, please charge/credit our Deposit Account No. 06-1448.

20/471125.1

Respectfully submitted,
FOLEY, HOAG & ELIOT LLP

A handwritten signature in dark ink, appearing to read 'I. Clauss', written over a horizontal line.

Isabelle M. Clauss, Ph.D.
Attorney for Applicants
Reg. No. 47,326

Patent Group
FOLEY, HOAG & ELIOT LLP
One Post Office Square
Boston, MA 02109
(617) 832-1000
Date: September 21, 2001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL **for FY 2001**

Patent fees are subject to annual revision.

Complete If Known

Application Number 09/877,406

Filing Date 6/8/01

First Named Inventor Handelsman et al.

Examiner Name

Group / Art Unit 1636

Attorney Docket No. AVI-001.03

TOTAL AMOUNT OF PAYMENT (\$) 2680

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

06-1448

Deposit
Account
Name

Foley, Hoag & Eliot, LLP

☒ Charge Any Additional Fee Required

Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.

See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee Code | Small Fee Code | Entity Fee Code | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | 710 |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1)

(\$710)

2. EXTRA CLAIM FEES

| Total Claims | 70 | -20** | = | Extra Claims | 50 | X | Fee from below | 18 | = | Fee Paid | 900 |
|-----------------------|----|-------|---|-----------------|----|---|-------------------|----|---|-------------|-----|
| Independent Claims | 10 | -3** | = | 7 | | X | 80 | | = | 560 | |
| Multiple Dependent | 1 | | | | | X | 270 | | = | 270 | |

| Large Fee Code | Entity Fee Code | Small Fee Code | Entity Fee Code | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|----------|
| 102 | 80 | 202 | 40 | Claims in excess of 20 | |
| 103 | 18 | 203 | 9 | Independent claims in excess of 3 | |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid | |
| 109 | 80 | 209 | 40 | ** Reissue independent claims over original patent | |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2)

(\$) 1730

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

| ADDITIONAL FEES | | | | Fee Description | Fee Paid |
|-----------------|-----------------------|----------|-----------------------|--|----------|
| Fee Code | Large Entity Fee (\$) | Fee Code | Small Entity Fee (\$) | | |
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | 130 |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | 110 |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 130 | 123 | 130 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 240

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Isabelle M. Clauss

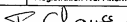
Registration No. Attorney/Agent

47,326

Telephone

617-632-1000

Signature



Date

9/21/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2058.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Rec'd
A

| | |
|--|--------------------------------|
| In re Application of: Handelsman et al | Examiner: Not yet assigned |
| Application No: 09/877,406 | Art Unit: 1636 |
| Filed: June 8, 2001 | Attorney Docket No. AVI-001.03 |
| For: <i>Microorganism Genomics, Compositions and Methods Related Thereto</i> | |

Assistant Commissioner for Patents
Washington, DC 20231

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Request for Correction of Filing Receipt is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on September 21, 2001.

Michael P. Phelan

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

The Applicant hereby requests that the information indicated on the Filing Receipt received in the above-referenced application be amended as follows:

Please change the "Domestic Priority Data as Claimed by the Applicant" to include the following highlighted portions:

THIS APPLICATION IS A CON OF 08/969,651 11/13/97, WHICH IS A CIP OF 08/956,692 FILED 10/24/97, WHICH CLAIMS BENEFIT OF 60/063,230 10/23/97.


In support hereof, the Applicant also hereby encloses a copy of the Filing Receipt with the specific changes noted thereon.

Should there be any questions concerning this request, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully Submitted,

Date: September 21, 2001

Customer No: 25181
Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170



Isabelle M. Clauss, Ph.D.
Reg. No. 47,326
Tel. (617) 832-1000
Fax. (617) 832-7000



**FOLEY
HOAG**
ATTORNEYS AT LAW



#4

September 21, 2001

Isabelle M. Clauss, Ph.D., J.D.
Boston Office
617.832.1177
imc@foleyhoag.com

Box Missing Parts
Assistant Commissioner of Patents
Washington, DC 20231

Re: U.S. Patent Application No.: 09/877,406
Entitled: *Microorganism Genomics, Compositions and Methods Related
Thereto*
Filed: June 8, 2001
By: Handelsman et al.
Atty Ref: AVI-001.03

Dear Sir:

Enclosed for filing in the above-referenced patent application please find the following:

1. A copy of Notice to File Missing Parts of Nonprovisional Application;
2. Response to Notice to File Missing Parts;
3. Fee Transmittal;
4. Check in the amount of \$2,570.00 for filing and surcharge fees;
5. Substitute drawings - 7 sheets (Figures 1 - 6B);
6. Petition for One-Month Extension of Time;
7. Check in the amount of \$110.00 for extension of time;
8. Request for Correction of Filing Receipt;
9. Copy of Filing Receipt with changes noted thereon;
10. Information Disclosure Statement Under 37 C.F.R. 1.97(b);
11. Form PTO-1449;
12. Copies of References AC and CA - CF;
13. Preliminary Amendment; and
14. Return receipt postcard.

20/471138.1

BOSTON / One Post Office Square / Boston, Massachusetts 02109 / TEL: 617.832.1000 / FAX: 617.832.7000
WASHINGTON, DC / 1747 Pennsylvania Ave., NW / Suite 1200 / Washington, DC 20006 / TEL: 202.223.1200 / FAX: 202.785.6687
Foley, Hoag & Eliot LLP

www.foleyhoag.com

The Commissioner is hereby authorized to charge any under-payments or credit any over-payments to our Deposit Account No. 06-1448.

| | |
|---|--|
| <p style="text-align: center;">Certificate of First Class Mailing</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231 on the date set forth below:</p> <p><u>September 21, 2001</u> Date</p> <p><u>Michael R. Shelan</u></p> | <p>Respectfully submitted, FOLEY, HOAG & ELIOT LLP</p> <p><u>I. Clauss</u> Isabelle M. Clauss, Ph.D. Reg. No. 47,326 Attorney for Applicants Customer ID No. 25181</p> |
|---|--|



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE RECD | ATTY.DOCKET.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|--------------|----------------|----------|------------|------------|
| 09/877,406 | 06/08/2001 | 1636 | 0.00 | AVI-001.03 | 7 | 45 | 10 |

CONFIRMATION NO. 8083

25181
FOLEY, HOAG & ELIOT, LLP
PATENT GROUP
ONE POST OFFICE SQUARE
BOSTON, MA 02109

FILING RECEIPT



00000000006207949

Date Mailed: 06/21/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jo Handelsman, Madison, WI;
Robert M. Goodman, Madison, WI;
Michelle R. Rondon, Madison, WI;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 08/969,651 11/13/1997, which is a CIP of 08/956,692 filed 10/24/97, WHICH CLAIMS BENEFIT OF 60/063,230 10/23/1997

Foreign Applications

If Required, Foreign Filing License Granted 06/20/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Microorganism genomics, compositions and methods related thereto

RECEIVED

JUN 25 2001

PATENT DEPT.
DOCKETING

Preliminary Class
435

Data entry by : TAN, LEA-YUET Team : OIPE Date: 06/21/2001





**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231